

**Planning and Zoning  
Commissioners**

Art Hughes, Vice Chair  
Randy Haynes, Parliamentarian



Felix Gutierrez  
John Clark  
Robert Horton  
John Bond  
Don Maxwell  
G. H. Jones  
Michael Parks

**AGENDA**  
**BRYAN PLANNING AND ZONING COMMISSION**  
**Thursday, January 5, 2006**  
**Bryan Municipal Building**

---

**Workshop Meeting – 5:00 p.m.**  
**Conference Room 305**

1. WORKSHOP SESSION
  - A. REVIEW OF AGENDA FOR REGULAR PLANNING AND ZONING COMMISSION MEETING OF January 5, 2006 (No action will be taken)
  - B. COMMISSION/STAFF CONCERNS

**Regular Meeting – 6:00 p.m.**  
**Council Chambers**

2. CALL TO ORDER
3. ELECTION OF OFFICERS
4. CITIZENS TO BE HEARD
5. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.
6. CONSENT AGENDA (These items will be considered under one action unless removed for discussion by a member of the Planning and Zoning Commission.)
  - A. Approval of Minutes from December 15, 2005
7. PUBLIC HEARING/CONSIDERATION – Planning Variance (PV05-44) J. Dean  

Planning variance to reduce the minimum required amount of parking from 40 spaces to approximately 38 spaces, located at 4100 East State Highway 21, Block A, Lot 1R in the Cohala Subdivision, Bryan, Brazos County, Texas.
8. PUBLIC HEARING/CONSIDERATION – Replat (RP05-22) B. Wilson  

Replat of Lot 18R in the Cavitt's Woodland Heights Subdivision, located west of the intersection of Woodland Drive and South Gordon Street, Bryan, Brazos County, Texas.
9. PUBLIC HEARING/CONSIDERATION – Rezoning (RZ05-09) J. Dean  

Rezoning request from 'SF7' Single Family 7000 to 'O' Office, located at 2528 Willow Bend Drive, Block 1, Lot 1 in the Culpepper Manor #3 Subdivision, Bryan, Brazos, Texas.
10. PUBLIC HEARING/CONSIDERATION – Rezoning (RZ05-10) B. Wilson

Rezoning request from 'C' Commercial to 'MF' Multi Family, located west of the intersection of North Harvey Mitchell Parkway and West Villa Maria Road, Block 18, Lots 62.5 and 63 in the Zeno Phillips League, Bryan, Brazos, Texas

11. ADJOURN

FOR INFORMATION ON TDD, SIGN LANGUAGE INTERPRETATION, OR OTHER TRANSLATION OR ACCESSIBILITY INFORMATION, PLEASE CONTACT (979) 209-5120. PLEASE TRY TO CONTACT THE ABOVE PERSON AT LEAST 48 HOURS BEFORE THE SCHEDULED TIME OF THE MEETING SO THAT YOUR REQUEST MAY BE COMPLETELY FULFILLED.

**Disclaimer:**

*The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

---

**01/05/2006****STATE OF TEXAS  
COUNTY OF BRAZOS  
CITY OF BRYAN**

On the 5th day of January 2006, the Planning and Zoning Commission of the City of Bryan convened in an open session of their regular meeting in the City Council Chambers of the Bryan Municipal Building at 6:00 p.m. with the following in attendance:

First Name	Last Name	Attended	MHSA	MASA	%	MH6M	MA6M	%
Johnny	Bond	Yes	38	38	100%	11	11	100%
John	Clark	No	51	44	86%	11	10	91%
Felix	Gutierrez	Yes	17	16	94%	11	10	91%
Randy	Haynes	No	126	107	85%	11	9	82%
Robert	Horton	Yes	38	36	95%	11	11	100%
Art	Hughes	Yes	109	97	89%	11	10	91%
G.H.	Jones	Yes	24	22	92%	11	9	82%
Don	Maxwell	Yes	24	22	92%	11	10	91%
Michael	Parks	Yes	1	1	100%	N/A	N/A	N/A

*MHSA: Meetings held since appointment*

*MH6M: Meetings held in the last 6 months (180 calendar days)*

*MASA: Meetings attended since appointment*

*MA6M: Meetings attended in the last 6 months (180 calendar days)*

*N/A: Percentage not calculated until members have served for 6 months (180 calendar days)*

Staff members present: Kevin Russell, Director of Planning and Development Services; Beth Wilson, Assistant City Planner; John Dean, Transportation Planner; Stephan Gage, Staff Planner; Janis Hampton, Assistant City Attorney.

**1. WORKSHOP SESSION**

The Commission met in a workshop session in Room 305 at 5:07 PM. No action was taken (audiotape of the workshop is on file in Planning Services).

**2. CALL TO ORDER**

Vice-Chairperson Hughes called the meeting to order at 6:00 PM.

**3. ELECTION OF OFFICERS**

Vice-Chairperson Hughes opened the floor for nomination for the position of Chairperson.

Commissioner Horton nominated Vice-Chairperson Hughes for the position of Chairperson, and Commissioner Bond seconded the nomination.

The nomination passed with a unanimous vote.

Vice-Chairperson Hughes opened the floor for nomination for the position of Vice-Chairperson.

Commissioner Jones nominated Commissioner Clark for the position of Vice-Chairperson, and Commissioner Gutierrez seconded the nomination.

The nomination passed with a unanimous vote.

Vice-Chairperson Hughes opened the floor for nomination for the position of Parliamentarian.

Commissioner Horton nominated Commissioner Haynes for the position of Parliamentarian, and Commissioner Jones seconded the nomination.

The nomination passed with a unanimous vote.

Vice-Chairperson Hughes assumed the Chair and presided for the remainder of the meeting.

#### **4. CITIZENS TO BE HEARD**

There were none.

#### **5. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST**

There were none.

#### **6. CONSENT AGENDA**

(These items will be considered under one action unless removed for discussion by a member of the Planning and Zoning Commission.)

- A. Approval of Minutes from December 15, 2005

Commissioner Maxwell made a motion to approve the consent agenda, and Commissioner Jones seconded the motion.

The motion was passed with a unanimous vote.

#### **7. PUBLIC HEARING/CONSIDERATION – Planning Variance (PV05-44)**

*Planning variance to reduce the minimum required amount of parking from 40 spaces to approximately 38 spaces, located at 4100 East State Highway 21, Block A, Lot 1R in the Cohala Subdivision, Bryan, Brazos County, Texas.*

John Dean, Transportation Planner, informed the Commission that the applicant has decided to rescind the planning variance request and pursue other remedies for compliance with City ordinance requirements; therefore the case would not be considered.

No public hearing or action was taken on this item.

#### **8. PUBLIC HEARING/CONSIDERATION – Replat (RP05-22)**

*Replat of Lot 18R in the Cavitt's Woodland Heights Subdivision, located west of the intersection of Woodland Drive and South Gordon Street, Bryan, Brazos County, Texas.*

Beth Wilson, Assistant City Planner, presented the staff report (on file in Planning Services). Ms. Wilson informed the Commission that the applicant is requesting a replat in order to divide the lot into four tracts for residential development.

The public hearing was opened.

The public hearing was closed.

Commissioner Maxwell made a motion to approve replat (RP05-22), and Commissioner Jones seconded the motion.

The motion was passed with a unanimous vote.

**9. PUBLIC HEARING/CONSIDERATION – Rezoning (RZ05-09)**

*Rezoning request from 'SF7' Single Family 7000 to 'O' Office, located at 2528 Willow Bend Drive, Block 1, Lot 1 in the Culpepper Manor #3 Subdivision, Bryan, Brazos, Texas.*

John Dean, Transportation Planner, presented the staff report (on file in Planning Services). Mr. Dean informed the Commission that the applicant is requesting a rezoning in order to develop the subject tract for office use. Mr. Dean informed the Commission that although the Future Land Use Plan indicates single family use for this parcel, the entire corridor has become a prime retail location and office use is appropriate for the site. Mr. Dean informed the Commission of the following:

1. The nature of existing development in this area and along the E. Villa Maria corridor make 'O'–Office zoning appropriate for this property; and,
2. There appears to be adequate infrastructure for the proposed development and any issues regarding capacity will be addressed at the time of development; and,
3. There are a large number of developed properties in the area zoned Office and Retail; and,
4. Office, retail, and other commercial developments and redevelopments are becoming much more prominent in this area, and this corridor has become one of the most active areas in the city for retail development; and,
5. Other areas designated for similar development are unlikely to be affected; and,
6. There are no factors affecting health, safety, morals, or general welfare.

Mr. Dean informed the Commission that there have been numerous responses to notifications, many in opposition to the request and some for clarification only.

The Commission discuss the following with staff:

1. What does the Future Land Use Plan call for in this area; and,

Staff responded that the Future Land Use Plan calls for retail development in this area.

2. Which is a more intense land use: retail or office; and,

Staff responded that retail development was a more intense land use.

3. Were any of the responses to notification in writing?

Staff responded that none of the responses to notification were in writing.

The public hearing was opened.

Rhonda Richardson, of 2512 Willowbend, Bryan, Texas, informed the Commission of the following:

1. Member of the Upper Burton Creek Neighborhood Association; and,
2. Is speaking on behalf of the homeowners in Willowbend Street; and,
3. Have a signed rezoning protest petition from area homeowners (Copy on file with the City Secretary and Development Services Department); and,
4. Allowing retail development on the subject site will adversely affect the Willowbend neighborhood; and,
5. Deed restricts says this area is for single family dwelling units only; and,
6. Residents are the only ones who can change the types of structures allowed in the neighborhood; and,
7. Am very disappointed that rezoning request is being considered; and,
8. Have called the Mayor and Legal Aid about the rezoning request; and,
9. Traffic at the intersection of Willowbend and Carter Creek Parkway is already problematic and will only get worse if commercial development is allowed; and,
10. Neighbors can not control who lease or owns the development after the current

owner leaves.

Carol McFaddin, of 2520 Willowbend, Bryan, Texas, informed the Commission of the follow:

1. Discussed sections of the deed restricts which pertain to permitted uses of parcels in the neighborhood; and,
2. Owners have not signed petitions to change or revoke the deed restrictions; and,
3. 23 yr resident of neighborhood; and,
4. Move into neighborhood for quality of life and raise a family.

Dr. Suzanne Black, of 2700 E. 29<sup>th</sup> Street, Bryan, Texas, informed the Commission of the follow:

1. Applicant and proposed developer of subject site; and,
2. Thought residents would want a home clinic in their area; and,
3. Reviewed deed restricts carefully before requesting the rezoning; and,
4. Prior commercial development has void the neighborhood's deed restrictions; and,
5. Wanted to design a building consistent with the architecture of the neighborhood; and,
6. Sole practitioner with 20 patients that lived in the immediate vicinity; and,
7. Only want a small family practice clinic that will provide current patients and neighborhood residents with medical care; and,
8. Would like to open clinic in the fall of 2006.

The Commission discussed the following with Dr. Black:

1. How many staff and other doctors would reside in the building; and,

Dr. Black responded that has been an independent practitioner for 5 years, and no other physicians will occupy the office; moreover, she has one staff person, two billing persons, one nurse, and one part-time student.

2. Have you spoken with any of the residents in the neighborhood?

Dr. Black responded that she had not spoken with any of the individuals attending the meeting; however she has spoken with other residents in the neighborhood whom she knows personally who expressed support for the proposed development.

John Trcalek, of 2512 Willowbend, Bryan, Texas, informed the Commission of the follow:

1. 8 yr resident of neighborhood; and,
2. There is vacant office space in the retail development across from the subject site; and,
3. Because of the amount of traffic on Carter Creek and Villa Maria, patients would have to access lot off of Willowbend; and,
4. Potential changes in the business could be problematic in the future.

James Gibbens, of 2526 Willowbend, Bryan, Texas, informed the Commission of the follow:

1. Owner of home adjacent to subject tract; and,
2. Other commercial establishments have had adverse impacts on the area; and,
3. Built home in the neighborhood due to deed restrictions; and,
4. Traffic is light on Willowbend, and children play in the street.

Ronald Day, of 2527 Willowbend, Bryan, Texas, informed the Commission of the follow:

1. Owner across the street from subject site; and,
2. Traffic , especially ingress and egress to and from the subject site, is a major concern; and,
3. Potential street parking is also a concern; and,
4. Concern about the potential effect on property values.

Barbara Jones, of 2525 Willowbend, Bryan, Texas, informed the Commission of the follow:

1. Initiated protest petition against the rezoning request; and,

2. Would like request denied; and,
3. Retired from TxDOT and confirmed that plans are in the works to straighten the curve at Villa Maria near Carter Creek.

Janice Sis, of 2519 Willowbend, Bryan, Texas, informed the Commission of the follow:

1. Neighborhood is well planned and is conducive to family life; and,
2. Would like neighborhood to remain single family.

Louis Tassinary, of 1400 Brook Hollow, Bryan, Texas, informed the Commission of the follow:

1. In solidarity with the other residents; and,
2. Surprised by rezoning request because of the amount of commercial lease space in the area; and,
3. If the request is approved, the residents will be forced to initiate a civil action to stop the rezone at great expense to themselves; and,
4. Disturbed by staff report findings which he felt were too expansive; and,
5. Property serves as a buffer for the rest of the neighborhood and allowing commercial development would adversely impact the adjacent properties.

Kenneth Pitman, of 2523 Willowbend, Bryan, Texas, informed the Commission of the follow:

1. Rezoning will create a "slippery slope" that will effect the residences in the street; and,
2. Traffic will be a problem; and,
3. How can this request be stopped; and,
4. Would like more information about the request and the rezoning process; and,
5. Is opposed to the rezoning request.

Karen Hillier, of 2301 Bristol, Bryan, Texas, informed the Commission of the follow:

1. Neighborhood has been under pressure due to commercial development along Villa Maria/Briarcrest and at Blinn College; and,
2. Neighborhood Association is been proactively working to preserve the integrity of the neighborhood; and,
3. Area of the City are poorly developed and the City is having problems with its tax base because of poorly developed areas; and,
4. The Commission should help support the integrity of single family neighborhoods.

Carlos Roberts, of 2705 Carter Creek Parkway, Bryan, Texas, informed the Commission of the follow:

1. Agrees with previous statements of other residents; and,
2. Discuss the status of parcels along Villa Maria/Briarcrest as they relate to the proposed widening of the street; and,
3. Lots have been vacant for 35 years.

Gabriela Aguilar, of 2511 Willowbend, Bryan, Texas, informed the Commission of the follow:

1. Vice-President of Upper Barton Creek Neighborhood Association; and,
2. Association has 250 members; and,
3. Respects the desires of the applicant; and,
4. Traffic congestion will be exacerbated by development; and,
5. Office space is available at St. Joseph's hospital.

Barbara Salisbury, of 2610 Melba Circle, Bryan, Texas, informed the Commission of the follow:

1. Agrees with previous statements of other residents; and,
2. Concerned about the effect of proposed rezoning on the neighborhood.

The public hearing was closed.

Commissioner Parks made a motion to approve rezoning (RZ05-09), and Commissioner

Jones seconded the motion.

The Commission discussed the following:

1. What is the role of Commission in deciding a rezoning request; and,
2. Deed restrictions can not be considered as a criteria for deciding the rezoning request; and,
3. Similar previous case was denied; and,
4. Lot is a part of the residential subdivision and should remain that way; and,
5. Lots have been vacant a long time, and typically lots on the edge of a subdivision are developed for commercial use; and,
6. Local neighborhood associations are fight to maintain the integrity their neighborhood and this neighborhood should remain unchanged; and,
7. Traffic is a very serious issue at this location and thus the criteria for rezoning are not met; and,
8. General welfare and infrastructure may also be an issue.

The motion was defeated with a 0-7 vote.

Commissioner Maxwell made a motion to deny rezoning (RZ05-09), and Commissioner Jones seconded the motion.

The motion was passed with a unanimous vote.

#### **10. PUBLIC HEARING/CONSIDERATION – Rezoning (RZ05-10)**

*Rezoning request from 'C' Commercial to 'MF' Multi Family, located west of the intersection of North Harvey Mitchell Parkway and West Villa Maria Road, Block 18, Lots 62.5 and 63 in the Zeno Phillips League, Bryan, Brazos, Texas.*

Beth Wilson, Assistant City Planner, presented the staff report (on file in Planning Services). Ms. Wilson informed the Commission that the applicant is proposing to develop the tract for commercial and residential uses. Ms. Wilson informed the Commission that the 'MF'–Multi-Family zoning designation is being sought so the applicant can develop a townhouse subdivision by right. Ms. Wilson informed the Commission of the following:

1. The applicant has reserved an adequate amount of frontage for commercial and retail development along the Villa Maria corridor, and multi-family zoning is appropriate for the remainder of the tract; and,
2. There appears to be adequate infrastructure for the proposed development, and any issues regarding capacity will be addressed at the time of development; and,
3. There are a number of developed and undeveloped properties in the area zoned for multi-family residential; however, there remains a demand for a variety of housing options; and,
4. Multifamily developments are developing at a rapid pace in the vicinity; and,
5. Other areas designated for similar development are unlikely to be affected; and,
6. There are no factors affecting health, safety, morals, or general welfare.

The Commission asked staff is there enough developable area which will remain 'C'–Commercial.

Staff responded that there would be adequate space for commercial development.

The public hearing was opened.

Wayne Kolenda, of 1801 Beaver Pond, Bryan, Texas, informed the Commission for the following:

1. Owner of adjacent property; and,
2. Want to know which areas of property will be rezoned; and,
3. Concerned about security and traffic in the area.



The public hearing was closed.

Commissioner Gutierrez made a motion to approve rezoning (RZ05-10), and Commissioner Jones seconded the motion.

The motion was passed with a unanimous vote.

#### **11. ADJOURNMENT**

Chairperson Hughes adjourned the meeting at 7:32 PM.

THESE MINUTES WILL SERVE AS THE OFFICIAL FINDINGS OF THE PLANNING AND ZONING COMMISSION, AS APPROVED THIS 19th DAY OF January, 2006.

*Signature On File*

---

Chair Art Hughes

*Signature On File*

---

Planning Administrator, Kevin Russell